

## **REMARKS**

### **Summary of the Office Action**

In the Final Office Action claims 1, 5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,553,044 to Tanaka (hereinafter "Tanaka") in combination with U.S. Patent No. 6,424,614 to Kawamura et al. (hereinafter "Kawamura") and U.S. Patent No. 5,428,597 to Satoh et al. (hereinafter "Satoh").

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in combination with Kawamura and Satoh and further in view of U.S. Patent No. 5,428,597 to Yamaguchi et al. (hereinafter "Yamaguchi").

Claims 11 and 13, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form.

### **Summary of the Response to the Office Action**

Applicant has amended claims 11 and 13 to each be rewritten in independent form in light of the Final Office Action's indication of allowable subject matter. All remaining claims are currently cancelled, or were previously cancelled, without prejudice or disclaimer to a possible subsequent divisional application filing. Accordingly, newly-amended independent claims 11 and 13 are currently pending in this application.

### **Rejections under 35 U.S.C. §103(a)**

Claims 1, 5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in combination with Kawamura and Satoh. Claim 9 stands rejected under 35 U.S.C. §

103(a) as being unpatentable over Tanaka in combination with Kawamura and Satoh and further in view of Yamaguchi. Withdrawal of these rejections is respectfully requested for the following reasons.

The Examiner is thanked for the indication that claims 11 and 13, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form. In accordance with the Examiner's indication of allowable subject matter in these claims, Applicant has amended each of claims 11 and 13 to rewrite them respectively in independent form. Accordingly, each of these claims have been amended to include the features of previous claims 7 and 9. As a result, Applicant respectfully submits that newly-amended independent claims 11 and 13 are now in prima-facie condition for allowance in light of the indication of allowable subject matter in the Final Office Action.

As all claims other than newly-amended claims 11 and 13 are currently cancelled, or were previously cancelled, withdrawal of all outstanding objections and rejections are respectfully requested. It is respectfully requested that newly-amended independent claims 11 and 13 pass to issuance.

### **CONCLUSION**

In view of the foregoing, Applicant respectfully requests the entry of the Amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**



Dated: June 14, 2005

By:

Paul A. Fournier  
Reg. No. 41,023

**Customer No. 023973**  
**DRINKER, BIDDLE & REATH LLP**  
1500 K Street, N.W. Suite 1100  
Washington, D.C. 20005-1209  
Tel: (202) 842-8800  
Fax: (202) 842-8465